

This is an affront to this legislative process. This makes a mockery of this legislative process. This is a reform issue. You wonder why people are so disillusioned and turned off about politics in the country? Here is one good reason why. People do not quite understand how a State Department bill all of a sudden becomes a bankruptcy bill, with a whole new set of provisions put in unrelated to the original bill. And then an effort is made to jam it through here. People do not get that.

It might be clever, I say to the majority leader and others, but it does not meet the test of representative democracy. It does not meet the test of the Senate as a great institution. It does not meet the test of what this legislative process should be all about. It does not meet the test of how we can become good legislators and good Senators. For that reason, I hope colleagues will vote against cloture.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

WATER RESOURCES DEVELOPMENT ACT OF 2000—CONFERENCE REPORT

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany S. 2796, the Water Resources Development Act.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2796), "to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses that the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment signed by a majority of the conferees on the part of both Houses.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 19, 2000.)

EXPORT OF WATER FROM THE GREAT LAKES

Mr. LEVIN. Mr. President, the Water Resources Development Act addresses

many of the water resource needs of our nation. But it also includes a provision relating to the export of water from the Great Lakes which needs some clarification. Would the distinguished chairman and ranking member be willing to join Senator ABRAHAM and myself to clarify a few points about this language?

Mr. BAUCUS. Mr. president, I would be pleased to offer information about this provision to my colleagues.

Mr. SMITH of New Hampshire. I am also pleased to discuss this provision.

Mr. LEVIN. First, we need to make it clear that the phrase "and implementation" in the findings of subsection (a) does not constitute a "pre-approval" of standards which are being developed by the Governors of the Great Lakes States. Would the chairman and ranking member concur that it is not the intent of this provision to grant pre-approval to standards which we have not seen?

Mr. SMITH of New Hampshire. I would concur; it is not the intention of the conferees that this provision be interpreted as granting pre-approval to standards which have not yet been developed and which Congress has not reviewed.

Mr. BAUCUS. I echo the chairman's sentiment.

Mr. LEVIN. Would the chairman and ranking member also concur that it is not the intent of this provision to preempt the need for future appropriate congressional actions in this area?

Mr. BAUCUS. I would concur. This language should not be interpreted as pre-empting the authority of Congress to approve or disapprove an interstate compact, international agreement, or other such mechanisms of implementation which properly fall under congressional authority. It is simply the intent of the conferees to encourage the States to promptly take such actions to implement these standards as fall within their authority for management of the water resources of their respective states and within the authority vested in them by the Water Resources Development Act of 1986 for making decisions regarding diversions of Great Lakes water.

Mr. SMITH of New Hampshire. I concur with the ranking member's interpretation.

Mr. ABRAHAM. On a second matter, this language uses the phrase "resource improvement" as one principle in encouraging the states to develop a common conservation standard. This phrase is intended to embody the concept of improvement of the quality of the natural resource, not the development of the resource. Is that the understanding of the chairman and ranking member?

Mr. SMITH of New Hampshire. Yes, as use in this section, the term resource improvement is intended to convey the concept of an improvement to

the natural resource. The alternative interpretation would not be consistent with the parallel directive that the standard embody the principles of water conservation.

Mr. BAUCUS. I concur with this interpretation.

Mr. LEVIN. I also wish to thank my colleague from Michigan for joining in the effort to clarify the intent of this provision. I still have reservations as to whether this provision represents the best approach to addressing the issue of water diversion and export which faces the Great Lakes region today, but these clarifications of the intent of the provision relieve some of my concern.

Mr. ABRAHAM. I thank the chairman, ranking member, and my colleague from Michigan. Mr. President, Senator LEVIN has been a leader in the effort to protect the Great Lakes on a wide variety of fronts. Clearly today's work will not completely guarantee the protection of this great resource, but I believe it is a big step in the right direction. I want to thank Senator LEVIN for his help in this matter, particularly for his work to eliminate the likelihood of unintended consequences from this legislation. I look forward to working with him in the future as we fight to protect this great resource.

THE TEN- AND FIFTEEN-MILE BAYOUS FLOOD CONTROL PROJECT

Mrs. LINCOLN. Mr. President, as we complete work on the Water Resources Development Act (WRDA) of 2000, I would like to bring the Senate's attention to a project that is very important to a group of my constituents in Arkansas: the Ten and Fifteen Mile Bayou project. The Ten and Fifteen Mile Bayou project would provide flood control to a poor, rural area in the Mississippi Delta that is oftentimes overlooked while other projects in more affluent, urban areas move forward. The Delta's small farming communities and poor minorities are the constituencies most affected by the constant flooding that this project seeks to prevent. It is vitally important to the future of this Delta region to alleviate these flooding concerns.

I have worked with the St. Francis Levee Board on this important project since my days in the House of Representatives. Unfortunately, the resources of this community are extremely limited and they are unable to meet the cost share requirements of any federal program. Can the distinguished Senator from Montana please explain section 204 of the current WRDA bill dealing with "the ability to pay" provision? Specifically, I am interested in hearing how this provision might help projects, like Ten and Fifteen Mile Bayou, that are needed but simply can not meet the cost share requirements.

Mr. BAUCUS. I appreciate your concern about flooding in the Saint

Frances River Basin and your frustration with efforts to address this situation. Many communities across the nation simply do not have the financial ability to provide the cost share for Corps studies and projects. Because of this, Congress added an "Ability to Pay" provision to the Water Resources Development Act in 1986. This provision, which establishes procedures for reducing the non-federal share of water resource development project costs for distressed communities, has been amended several times subsequently. These procedures, which are set by the Corps through regulation, take into consideration local economic and financial conditions.

This year, the administration's Water Resources Development Act legislative proposal contained an update to the Ability to Pay provision which included expanding its applicability to feasibility studies and additional project types. The Senate Environment and Public Works Committee further expanded the project types eligible and this amendment to the Ability to Pay provision is contained in the Conference Report.

Our intention is that these changes will result in the Ability to Pay provision being used more frequently by the Corps and providing greater relief to communities that cannot meet "standard" Corps cost-share requirements. While I am not familiar enough with specifics of the Ten and Fifteen Mile Bayou project to judge the application of the Ability to Pay provision, I would encourage the Corps to pay particular attention to the applicability of the provision to this flood control project.

Mr. SMITH of New Hampshire. I also appreciate the financial hardships faced by communities in West Memphis as well as in many other areas of the country. I also expect that the amendments to the Ability to Pay provision contained in this Conference Reports will increase the Corps' use of this provision and, thereby, the relief provided to communities with financial hardships.

In addition, it is important for Congress to monitor the implementation of the Ability of Pay provision. To accomplish this, the Senate Environment and Public Works Committee, of which I am the chairman and Senator BAUCUS is the ranking member, will hold oversight hearings next year on the Corps' historical and current performance as it relates to the application of Ability to Pay provisions of the Water Resource Development Act.

Mrs. LINCOLN. I thank my colleagues for their comments and I look forward to working with them on this important matter.

PROGRAMMATIC REGULATIONS

Mr. GRAHAM. Mr. President, I rise today with my colleague from Florida to clarify one section of the Water Resources Development Act of 2000. Sec-

tion 2(h)(3)(C)(ii) includes language from the House clarifying the applicability of programmatic regulations. One of the most important elements of the formula for success which brings us to the floor of the Senate with this conference report today is the open process used by the Corps of Engineers to develop consensus positions on a course of action. I want to clarify my colleague's views on the language in this section. Do you believe that this language will limit the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operating manuals, and any other documents relating to the development, implementation, and management of individual features of the Plan?

Mr. MACK. This language is not intended to affect the public's ability to participate and comment on the development of project implementation reports, project cooperation agreements, operating manuals, and any other documents relating to the development, implementation, and management of individual features of the plan. In addition, this language is not intended to expand any one federal agency's authority. I share your view that the Corps' open process is one of the most important aspects in building the consensus which makes this Comprehensive Everglades Restoration Plan strong.

Mr. GRAHAM. Mr. President, Members of the 106th Congress, thank you for this opportunity to stand before you today as a proud Member of this body. We are on the verge of passing historic, comprehensive legislation to restore America's Everglades.

This is a dream I have had since early childhood when I lived on the edge of the Everglades in a coral rock house. I witnessed the manipulation of the Everglades from a serene, river of grass into a funnel built for human purposes.

Over the decades, I joined other Floridians in finding that moment of truth—the moment when we realized that our actions were destroying this ecosystem which is the very heart of Florida. I was proud to start the "Save Our Everglades" program in Florida during my tenure as Governor.

I thank everyone who took that giant leap with me in 1983 to begin to do what appeared to be impossible—to make the Everglades look more like it had in 1900 than it did in 1983 by the year 2000.

We have taken several first steps.

In 1992 the Kissimmee River restoration project demonstrated that we can, in fact, restore portions of a damaged ecosystem.

In 1996 the critical projects authorization allowed us to begin on projects with an immediate benefit to the environment. That same year, we began the "restudy" of America's Everglades.

I offer my thanks again to the people of Florida who toiled endlessly to produce the consensus document, the Comprehensive Everglades Restoration Plan which is the basis for the legislation we will pass today.

Names like Colonel Joe Miller, Dick Pettigrew, Stu Appelbaum, and Tom Teets and will ring in Florida's history as people who sacrificed personal gain for the future of this project, people who built consensus where none could even be visualized, and people whose expertise built the very foundation of our plan to restore the Everglades.

Today, we are ending one chapter and beginning another in the history of America's Everglades.

We are officially ending the chain of events that we began in 1948 with the authorization of the Central and Southern Florida Flood Control Project which, according to the National Parks and Conservation Association, brought the parks and preserves of the Everglades to a prominent spot on the list of the 10 most endangered in the country.

We are beginning the chapter of restoration.

After 17 years of bipartisan progress in the context of a strong Federal-State partnership, we are seeing the dream that many of us shared in 1983 become reality.

I want to speak for a moment about this unprecedented Federal-State partnership. I often compare this unique partnership to a marriage.

If both partners respect each other, and pledge to work through any challenges together, the marriage will be strong and successful. Today, we are again celebrating the strength of that marriage.

This legislation contains several provisions born out of the respect that sustains this marriage.

It offers assurances to both the Federal and State governments on the use and distribution of water in the Everglades ecosystem.

It requires that the State government pay half the costs of construction.

It requires that the Federal Government pay half of the costs of operations and maintenance. Everglades restoration can't work unless the executive branch, Congress, and State government move forward hand-in-hand. The legislation before us today accomplishes this goal.

With the vote we are about to take—to pass the Water Resources Development Act of 2000—we are truly making history.

We will be one step closer to restoring the damage done when humankind had the arrogance to second-guess nature.

With this project we are doing nothing less than turning back time, returning this dying place to the wild splendor of its past and in doing so, ensuring its future.

If we accomplish the historic goal of restoring America's Everglades then today will be one our children and grandchildren will remember.

They will look back on this as the day that our generation had the courage and the foresight to make a commitment to restoring one of America's richest national treasures.

In the words of President Lyndon B. Johnson:

If future generations are to remember us with gratitude rather than contempt, we must leave them more than the miracles of technology. We must leave them a glimpse of the world as it was in the beginning, not just after we got through with it.

Today is the day we will make the choice to leave a glimpse of America's Everglades as they were when we first found them for future generations—an undisturbed river of grass, unmatched in serenity and beauty.

Mr. BAUCUS, Mr. President, I rise to join Senator SMITH in supporting the conference report on S. 2796, the Water Resources Development Act of 2000.

This conference report authorizes projects for flood control, navigation, shore protection, environmental restoration, water supply storage, and recreation. The bill also modifies existing projects and directs the Corps to study other proposed projects. All projects in this bill have the support of a local sponsor who is willing to share the cost of the project.

Even a brief review of the projects demonstrates the importance of passing this conference report.

A number of the projects are needed to protect our shorelines, along oceans, lakes, and rivers.

Several of the navigation projects will ensure that our ports remain competitive in the increasingly global marketplace.

Furthermore, the studies authorized in the bill will help us make informed decisions about the future use and management of our water resources.

Let me mention two projects that are very important for my state of Montana.

First, the authorization for design and construction of a fish hatchery at Fort Peck. This fish hatchery will make good on a long awaited promise of the Fort Peck project; namely, more recreational and economic opportunities for the folks in eastern Montana.

Fort Peck Lake is one of the greatest resources in our state. It not only plays a major role in power production and water supply, but it is an increasingly important center for recreation. People from around the state—as well as from around the world—come to Fort Peck for our annual walleye tournaments.

The local community really puts a lot of effort into these tournaments. And they've put a lot of effort into the Fort Peck hatchery. Communities across eastern Montana have raised funds for the matching share of the project's feasibility study.

And the state legislature has contributed as well. It passed a special warm water fishery stamp to help provide additional financial support for the hatchery.

The fish hatchery will help to ensure the continued development of opportunities at Fort Peck Lake. And it will also represent a major source of jobs and economic development for this part of the state.

I would also like to point out the bill's provision relating to the exchange of cabin sites leased by private individuals on federal land at Fort Peck Lake.

The lake is surrounded by the Charles M. Russell National Wildlife Refuge. Yet, there are many private in holdings in the refuge.

This provision will allow the cabin leases to be exchanged for other private land within the refuge that has higher value for fish, wildlife, and recreation. By consolidating management of the refuge lands, the provision will reduce costs to the Corps associated with managing these cabin sites. It will also enhance public access to the refuge.

This exchange is modeled on a similar project near Helena, Montana, which Congress authorized in 1998. It represents a win-win-win for the public, the wildlife, and the cabin site owners.

Mr. President, let me further mention a truly landmark provision in this conference report. In addition to the usual project authorizations contained in a water resource development act, this report represents Congress with a historic opportunity. Title VI of this report contains the Comprehensive Everglades Restoration Plan.

Restoration of the Everglades has been many years in the making. In the 1970s, the State of Florida became concerned that the previously authorized Central and South Florida project was doing too good a job at draining the swampy areas of the state. In fact, it was draining the life out of the Everglades.

Our colleague from Florida, Senator GRAHAM, who was then Governor GRAHAM, began the effort to restore the Everglades by establishing the "Save Our Everglades" program. And Senator GRAHAM has worked tirelessly to achieve restoration ever since. The comprehensive plan to restore this invaluable ecosystem that is contained in the conference report before us is the culmination of his work.

In closing, I would like to thank the chairman of the Environment and Public Works Committee, Senator SMITH, for his unwavering commitment to making this Water Resource Development Act a reality. Further, I would like to thank him for the personal investment he made in keeping this conference report focused on projects central to the mission of the Corps.

I know he was under tremendous pressure to open this report up to any number of inappropriate provisions, but he remained steadfast in his opposition and he should be commended for this. So, too, should his staff. They worked tirelessly to craft a Water Resources Development Act of which they can be proud.

Finally, I would like to thank Jo-ellen Darcy and Peter Washburn of my staff for their dedication to this legislation. A tremendous amount of work goes into a Water Resources Development Act. So, I particularly acknowledge and commend the effort that Jo-ellen and Peter devoted to making this conference report such a success.

Mr. SMITH of New Hampshire. Mr. President, at this time, I ask unanimous consent that the conference report be adopted, the motion to reconsider be laid upon the table, and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

Mr. SMITH of New Hampshire. Mr. President, I wish to make a couple of comments on the legislation that we just adopted. This has been a long time coming. It is a culmination of some—actually, the Everglades portion of this legislation took a year of work. We had a hearing in January at the Everglades. This is a very exciting time for those of us who have worked on this. I want to briefly give a quick overview of that and recognize a few people who have been involved.

This is a good bill. I am proud that we passed it. It is fiscally responsible. It recognizes our obligation to preserve one of the most important and endangered ecosystems in the Nation, if not the world: America's Everglades.

I thank the Senate conferees—Senators WARNER, VOINOVICH, BAUCUS, and GRAHAM—for their hard work and dedication.

I thank Chairman SHUSTER and the House conferees for their cooperation as well.

I am proud of this bill. This is not a bill that includes numerous unnecessary projects. The committee established some tough criteria, and we stuck to those criteria.

I am proud that the conference agreement on WRDA 2000 does not contain any environmental infrastructure projects. As those who requested such projects know, the committee has a longstanding opposition to including environmental infrastructure projects in WRDA.

Unlike what has happened in the past, the Senate conferees were able to hold firm, and the House accepted our position, for which we are grateful.

These types of projects, in my view, should be funded through the State revolving loan funds and not by the Army Corps of Engineers.

From the time this WRDA process began, the committee received requests to authorize more than 300 new projects. By holding firm to our criteria—the conference report to WRDA—we were able to authorize 30 new projects, 57 new feasibility studies, and a number of other project-related provisions.

As I said before, Senator BAUCUS and I are committed to examining next year the infrastructure issue, and other issues, relating to the operation and management of the Corps. This will include hearings on the Corps reform.

Let me talk specifically for a moment on the Everglades. There is an important element that separates this WRDA bill from all others and is what makes it so historic.

This bill includes our landmark Everglades bill, S. 2797, the Restoring the Everglades, an American Legacy Act. It has been clearly demonstrated that the Everglades are in great peril. Without acting now, we could lose what is left of the Everglades in this generation. But Congress is prepared to move forward and make good on a problem the Federal Government greatly contributed to causing.

It has been clearly demonstrated that the Everglades is a Federal responsibility. Lands owned or managed by the Federal Government—four national parks and 16 national wildlife refuges—compromise half of the remaining Everglades and will receive the benefits of restoration.

The State of Florida has stepped up to the plate thanks to Gov. Jeb Bush and his legislature in Florida, on a bipartisan basis.

The Everglades portion of WRDA has broad bipartisan support. Every major constituency involved in Everglades restoration supports our bill. These bipartisan and wide-ranging supporters include the Clinton administration, Florida Governor Jeb Bush, the Seminole Tribe of Florida; industry groups, including Florida Citrus Mutual; Florida Farm Bureau, the American Water Works Association; Florida Chamber of Commerce; Florida Fruit and Vegetable Association, Southeast Florida Utility Council, Gulf Citrus Growers Association, Florida Sugar Cane League, Florida Water Environmental Utility Council, Sugar Cane Growers Cooperative of Florida, Florida Fertilizer and Agri-chemical Association; and many environmental groups. To name just a few: National Audubon, National Wildlife Federation, World Wildlife Fund, Center for Marine Conservation, Defenders of Wildlife, National Parks Conservation Association, the Everglades Foundation, the Everglades Trust, Audubon of Florida, 1000 Friends of Florida, Natural Resources Defense Council, Environmental Defense, and the Sierra Club. It is pretty unusual to bring the support of that many people on a major environmental bill to the Senate. I am proud to do it.

The Everglades bill is a great model for environmental policy development. It is cooperative. It is not prescriptive. It is bipartisan, and it is flexible and adaptive. We can change things. If we don't like what is going on, if something isn't working, we pull back and try something new. It establishes a partnership between the Federal Government and the State and many other private groups as well.

Our colleagues in the House suggested improvements to the Everglades piece, and we made those. While it didn't always look promising, we will see this bill become law before we go home, in the very near future, when the House passes it and the President signs it.

Last June, Bruce Babbitt called this "the most important environmental legislation in a generation." I agree. It took a lot of courage to work this through. This passed the Senate 85-1. It has broad support. And it will pass overwhelmingly in the House very shortly.

It is almost dangerous to mention anyone because once you mention one, you are sure to omit some very important contributors. So with apologies to anybody I miss, I thank the late Senator John CHAFEE because he started this committee's efforts on the Everglades. I went to Florida in January. I told the folks in Florida this would be my highest priority and there wouldn't be much difference between John CHAFEE and Bob SMITH on saving the Everglades. I kept my word.

I thank the Senate conferees: subcommittee Chairman GEORGE VOINOVICH, Senator JOHN WARNER, ranking member Senator MAX BAUCUS, Senator BOB GRAHAM from Florida.

I also thank Senator CONNIE MACK and Governor Jeb Bush of Florida for their unrelenting efforts on the Everglades. Time and again we talked with them. We kept working with them throughout.

From the administration, Carol Browner has been very helpful throughout this affair.

I thank Mary Doyle and Peter Umhofer, Department of Interior; Joe Westphal, Michael Davis, and Jim Smythe from the Department of the Army; Gary Guzy from EPA; Stu Applebaum, Larry Prather, Gary Campbell and many others from the Corps of Engineers; and Bill Leary from CEQ.

From the State of Florida, I thank David Struhs, Leslie Palmer, and Ernie Barnett from the Florida Department of Environmental Protection; Kathy Copeland from the South Florida Water Management District.

I thank the Senate legislative counsel: Janine Johnson, Darcy Tomasallo, and Tim Trushel.

I thank the following staff members: from Senator GRAHAM's staff, Catharine Cyr Ranson and Kasey Gillette;

Senator MACK's staff, C.K. Lee; Senator VOINOVICH's staff, Ellen Stein and Rich Worthington; Senator WARNER's staff, Ann Loomis; Senator BAUCUS' staff, Tom Sliter, Jo-Ellen Darcy, Peter Washburn, and Mike Evans; and my staff, Dave Conover, Ann Klee, Angie Giancarlo, Chelsea Henderson Maxwell, Stephanie Daigle, Tom Gibson, and Jeff Miles.

It was a great bipartisan effort. In spite of many roadblocks over the past several months, we were able to work this bill through in a bipartisan manner. I am truly grateful to everyone on both sides of the aisle for their tremendous support through a very difficult effort. There were literally hundreds of projects that the staff had to pore through, and we did it.

When we look back on our careers, when we leave here and look back and say, What did I accomplish? I think we will be very proud of the vote to save the Everglades. I guarantee it. It will be right up there at the top. Once those Everglades are safe, we can say, when the time came to stand up and make a difference, we did.

When I became chairman, I promised to make the Everglades my highest priority. I did. I also said we needed to look forward to the next generation, rather than the next election, in environmental policy.

We are now poised to send the President a conference report on WRDA that has the support of every major south Florida stakeholder, the State of Florida, and the administration. Restoration of the Everglades is not a partisan issue. We proved it. The effort has been bipartisan from the start.

I congratulate my colleagues for daring to take the risk to support this noble effort to save a national treasure. We need to view our efforts as our legacy to future generations, and this will be this Senate's legacy to future generations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

ENERGY POLICY

Mr. MURKOWSKI. Mr. President, 4 years ago, a theme in the election was, "It's the economy, stupid." Well, that is true in this election, but there is something a little different: "It's the energy crisis, stupid."

The Vice President would have us think the economy is the issue that will get him elected President, that he and President Clinton came up with a plan to tax gasoline and Social Security benefits, and once he cast the tie-breaking vote to increase your taxes and my taxes, interest rates came down, the stock market went up, and the economy prospered.

The Vice President and the Democrats conveniently ignore the fact that the economy had already begun posting